

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HUNTER KEYSTONE PETERBILT, L.P.,))	
a Delaware limited partnership,))	
Plaintiff,))	
vs))	Civil Action No. 18-1595
)	
TRANFUELS LLC, a Delaware limited))	
liability company,))	
Defendants.))	

MEMORANDUM ORDER

On November 27, 2018, Plaintiff commenced the above action against Defendant predicated subject matter jurisdiction on diversity of citizenship. Plaintiff is alleged to be a limited partnership with its principal place of business in Butler, Pennsylvania and Defendant is alleged to be a Limited Liability Company (“LLC”) with its principal place of business in Salt Lake City, Utah. These allegations do not establish diversity jurisdiction.

A limited partnership is a citizen of the states of each of its partners. Carden v. Arkoma Assocs., 494 U.S. 185 (1990). Similarly, “the citizenship of an LLC is determined by the citizenship of its members.” Zambelli Fireworks Mfg. Co., Inc. v. Wood, 592 F.3d 412, 419-20 (3d Cir. 2010). In addition, where one of the members of the LLC named in the complaint is also an LLC, the citizenship of that LLC’s members must also be traced to determine the citizenship of the LLC named in the complaint. Id. at 420 (citation omitted).

Plaintiff’s complaint fails to allege the citizenship of the partners of Plaintiff, a limited partnership, or the members of Defendant, an LLC. Therefore, Plaintiff has failed to establish this Court’s subject matter jurisdiction over this action.

AND NOW, this 28th day of November, 2018,

IT IS HEREBY ORDERED that Plaintiff shall, by December 12, 2018, file an amended complaint that sets forth sufficient factual allegations to establish diversity of citizenship among the parties. Failure to comply with this Order may result in dismissal of the action without further notice.

s/Robert C. Mitchell
ROBERT C. MITCHELL
United States Magistrate Judge